

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 3:19-0118

EDUARDO RIOS-RIOS

ORDER

At a hearing held on July 8, 2019, the Government appeared by Erik Goes and the defendant appeared in person and by counsel Lex Coleman for the purpose of the defendant's plea to the single count indictment. The defendant acknowledged that he was proceeding to plead guilty without a plea agreement.

The Court inquired of the defendant, both personally and through counsel, to determine the defendant's competence. The Court found the defendant competent and capable of entering an informed plea.

The Court inquired as to the defendant's plea. The defendant then pleaded guilty.

The Court read the pertinent portions of 8 U.S.C. § 1326(a). The Court explained the elements that the United States would have had to prove had this matter gone to trial. After hearing and considering the defendant's explanation of why he considered himself guilty and hearing evidence from the Government about what it would have been able to prove at trial, the Court found that there was a sufficient factual basis for the defendant's guilty plea.

The Court further informed the defendant, pursuant to the requirements of *Fed. R. Crim. P.* 11(c)(1), of the nature of the charge and of the consequences of pleading guilty to the charge. After explaining thoroughly these items and after hearing and considering the defendant's

responses to the Court's questions, the Court found that the defendant understood the nature of the charge and the consequences of pleading guilty.

The Court further informed the defendant, pursuant to the requirements of *Fed. R. Crim. P.* 11(c)(3), (c)(4), of the constitutional and other legal rights that the defendant was giving up by pleading guilty. After explaining thoroughly these items and after hearing and considering the defendant's responses to the Court's questions, the Court found that the defendant understood his constitutional and other legal rights.


The Court further inquired of the defendant, pursuant to the requirements of *Fed. R. Crim. P.* 11(d), to ensure that the defendant's plea was voluntary. After hearing and considering the defendant's responses to the Court's questions, the Court found that the defendant's plea was voluntary.

The defendant further executed a written plea of guilty and the defendant's counsel witnessed the document. The Court accepted the defendant's plea.

Accordingly, the Court **ADJUDGED** the defendant guilty of violating 8 U.S.C. § 1326(a). The Court proceeded to sentence the defendant.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel and the defendant, the United States Attorney's Office, the United States Probation Office, and the United States Marshals Service.

ENTER: July 9, 2019



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE